FINDINGS OF FACT AND CONCLUSIONS OF LAW

* * * * * * * * * *

The Petitioners herein request a variance to permit an accessory structure (swimming pool) to be located in the side yard in lieu of the required rear yard, in accordance with Petitioner's Exhibit 1.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the SB.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

> **AFFIDAVIT** IN SUPPORT OF RESIDENTIAL ZONING VARIANCE 91-480-A

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s) iscare competent to testify thereto in the event that a public hearing is scheduled in the future with

That the Alfiant(s) does/do presently reside at 10100 GICE Arice Road Hydres Maryland 2083

That based upon personal knowledge, the following are the facts upon which I/we base the request for a Residential Zoning Variance at the above address: (indicate hardship or practical difficulty) that is a lack of specificance in rear ward

That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

AFFIANT (Handwritten Signature)

PAMELA S. & STEVEN D. PHIPPS

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made outh in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this day of ul, 1991 that the Petition for Residential Variance to permit an accessory structure (swimming pool) to be located in the side yard in lieu of the required rear yard, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief grant-

> 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

> 2) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

> > - 2-

ZONING DESCRIPTION

Beginning on the north side of Glen Arm Road (proposed 70' wide) at a

known as lot 1 on the plat of "Haystack Heritage" recorded among the

acre of ground. Located in the 11th Election District, 6th Councilmanic District. Also being known as 6130 Glen Arm Road.

land records of Baltimore County in PB 48 folio 80. Containing 2.749

distance of 1800 +/-' easterly of center line of Williams Road. Being

91-480-A

155

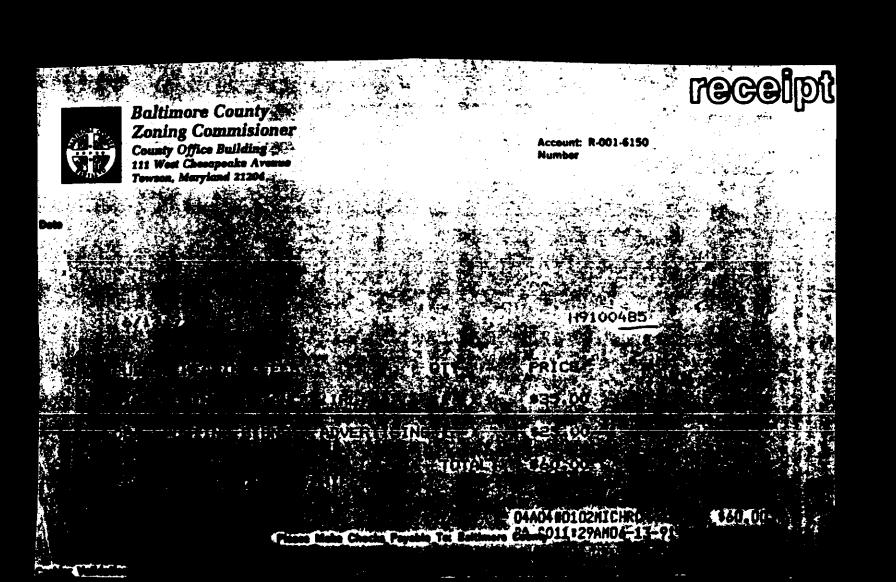
Zoning Commissioner for Baltimore County

JRH:bjs

CERTIFICATE OF POSTING ZOMING DEPARTMENT OF BALTIMORE COUNTY

Ember of Signs:

etitioner: Steven Delibiping of us Location of Signer Facing Class Arm Rd. approx. 10 Fr-100 dulay en property of Petitioner



Baltimore County Government Zoning Commissioner Office of Planning and Zoning

111 West Chesapeake Avenue Towson, MD 21204

July 18, 1991

Mr. & Mrs. Steven D. Phipps 6130 Glen Arm Road Hydes, Maryland 21082

RE: PETITION FOR RESIDENTIAL VARIANCE N/S Glen Arm Road, 1800' E of the c/l of Williams Road (6130 Glen Arm Road) 11th Election District - 6th Councilmanic District Steven D. Phipps, et ux - Petitioners Case No. 91-480-A

Dear Mr. & Mrs. Phipps:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Residential Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

> J. ROBERT HAINES Zoning Commissioner for Baltimore County

887-3353

cc: People's Counsel

JRH:bjs

File

PETITION FOR RESIDENTIAL VARIANCE

91-480-A TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: The undersigned, legal owner(s) of the property situate in Baltimore County and the description and plat attached hereto and made a part hereof, petition for a Variance from Section To allow an accompany structure (pool) in the side yard ni heu of rear mare of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reason: (indicate hardship or practical difficulty) The I cal your door not have exhibited area. the a pool and optionaling Honce. 7-17-92 Property is to be advertised and/or posted as prescribed by Zoning Regulations. I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County. I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Signature Address	Phone
Signature	
	
13100 3 41 22	
(Type or Print Name)	
Signature	

purchaser or representative to be contacted. Moun Handa Albert

ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, that the subject matter of this petition be posted on the property on or before the _____ day of _____, 19____.

ZORING CONTRISSIONER OF BALTIMONE COUNTY

Legal Owner(s):

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED.

Contract Purchaser:

(Type or Print Name)

Clty/State/21p Code

Attorney for Petitioner:

Attorney's telephone number

IT IS FURTHER DROXERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 19___, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the property be reposted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the _____ day of _____, 19___, at ____ o'clock,

/ ZONING COMMISSIONER OF BALTIMURE COUNTY

Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning

111 West Chesapeake Avenue Towson, MD 21201

> Mr & Mrs. Steven D. Phipps 5130 Slen Arm Road Hydes, Maryland 21082

Pe: CASE NUMBER: 91-460-A LOCATION: N/S Glen Arm Road, 1800' (+/-) Ely c/l Williams Road 6130 Glen Arm Road

Dear Petitioner(s):

Please be advised that your Petition for Residential Zoning Variance has been assigned the above case number. Any contact made to this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before June 26, 1991. The last date (closing date) on which a neighbor may file a formal request for hearing is July 11, 1991. Should such request be filed, you will receive notification that the matter will not be handled through the administrative process. This will mean advertising of the public hearing and reposting of the property. The public hearing will be scheduled approximately 30 - 45 days from receipt of said notice. In either case, (a) receipt of notification that you will have a public hearing or, (b) the passing of the closing date, the sign and post can then be removed from the property and returned to this office. Failure to return the sign and post will cause your Order to be held and incur a \$50.00 charge. Please be advised that the Order will not be available for you to pick-up the

2) Assuming no neighbor has requested a public hearing, the file now enters the final review stage of the administrative process. The Zoning Commissioner must now decide whether to grant or deny the request. He also has the option to request a public hearing.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

Very truly yours,

G. G. Stephens (301) 887-3391



111 West Chesapeake Avenue Towson, MD 21204

887-3353

July 1, 1991

Mr. & Mrs. Steven D. Phipps 6130 Glen Arm Road Hydes, MD 21082

> RE: Item No. 485, Case No. 91-480-A Petitioner: Steven D. Phipps, et ux Petition for Residential Variance

Dear Mr. & Mrs. Phipps:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Zoning Plans Advisory Committee

Enclosures

JED:jw

Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning

111 West Chesapeake Avenue Towson, MD 2120+

887 3353

Your petition has been received and accepted for filing this 10th day of June, 1991.

> ROBERT HAINES ZONING COMMISSIONER

Received By:

Zoning Plans Advisory Committee

Petitioner: Steven D. Phipps, et ux Petitioner's Attorney:

700 East Joppa Road Suite 901 Towson, MD 21204-5500

(301) 887 4500

JUNE 21, 1991

Baltimore County Government

Fire Department

J. Robert Haines Zoning Commissioner Office of Planning and Zoning Baltimore County Office Building Towson, MD 21204

RE: Property Owner: STEVEN D. PHIPPS #6130 GLEN ARM ROAD Location:

Item No.: 485

Zonino Adenda: JUMP 25, 1991

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Pureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

Fire Prevention Bureau Special Inspection Division

JK/KEK

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT INTER-OFFICE CORRESPONDENCE

June 25, 1991

Zoning Commissioner Office of Planning and Zoning

DIVISION OF GROUND WATER MANAGEMENT

SUBJECT: Zoning Item #485, Zoning Advisory Committee Meeting of June 25, 1991, Mr. Steven D. Phipps, N/S Glen Arm Road, 1800 (+/-) Ely of centerline Williams Road (#6130 Glen Arm Road), D-11, Private Water and Sewer

COMMENTS ARE AS FOLLOWS:

Any permanent structure must be a minimum of 20 feet from the septic reserve area.

SSF:rmp

485ZNG/GWRMK

91-480-A 7/12/91

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

DATE: July 22, 1991

Pat Keller, Deputy Director Office of Planning and Zoning

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the

PK/JL/cmm

Plat to accompany Petition for Zoning Variance Special Hearing PROPERTY ADDRESS: 6130 Glan Arm Rel Hydre Hearing see pages 5 & 6 of the CHECKLIST for additional required Information Subdivision name: Haw Stack Hevitage

plat book# 48, folio# 80, lot# 1, section# OWNER: Steve D/Dams. Phipps 223.35. En omes. William Richardson 8122 /223 scale: 1'-2000' LOCATION INFORMATION Councilmanic District: 6 Election District: // 1'=200' scale map#: NE 16 H Zoning: RC-2 Lot size: 2.749 square feet P(B. 18007 SEWER: | | WATER: 🔲 🔯 Chesapeake Bay Critical Area: Prior Zoning Hearings: NO Zoning Office USE ONLY! Scale 1 = 50' reviewed by: ITEM #: CASE#: Proposed Widening line date: 6/11/91 prepared by: Steve Phipps

BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: July 9, 1991

FROM: Robert W. Bowling, P.E.

4:-480-A 12:12

Zoning Advisory Committee Meeting for June 25, 1991

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 463, 464, 465, 471, 478, 480, 484, 485, 487, 488, 489.

For Items 476 and 490, the previous County Review Group Meeting Comments still apply.

For Items 481, 482 and 486, County Review Group Meetings may be required. For Item 481, Cockeysville Road is an existing road,

and no further improvements are required at this time. In addition, entrances shall be a minimum of 24 feet and a maximum of 35 feet wide. Depressed curb is to be

used with no curb returns to the property line. Also, prior to removal of any existing curb for entrances, the Developer shall obtain a permit from the Bureau of Public Services (887-3321).

For Item 482, Hammonds Ferry Road and Second Avenue are existing roads, and no further improvements are requested

However, prior to removal of any existing curb for entrances, the Developer shall obtain a permit from the Bureau of Public Services (887-3321).

For Item 486, Pulaski Highway (U.S. Route 40) is a State Road and any improvements, including entrances, are subject to requirements and approval of the State Highway Administration.

J. Robert Haines

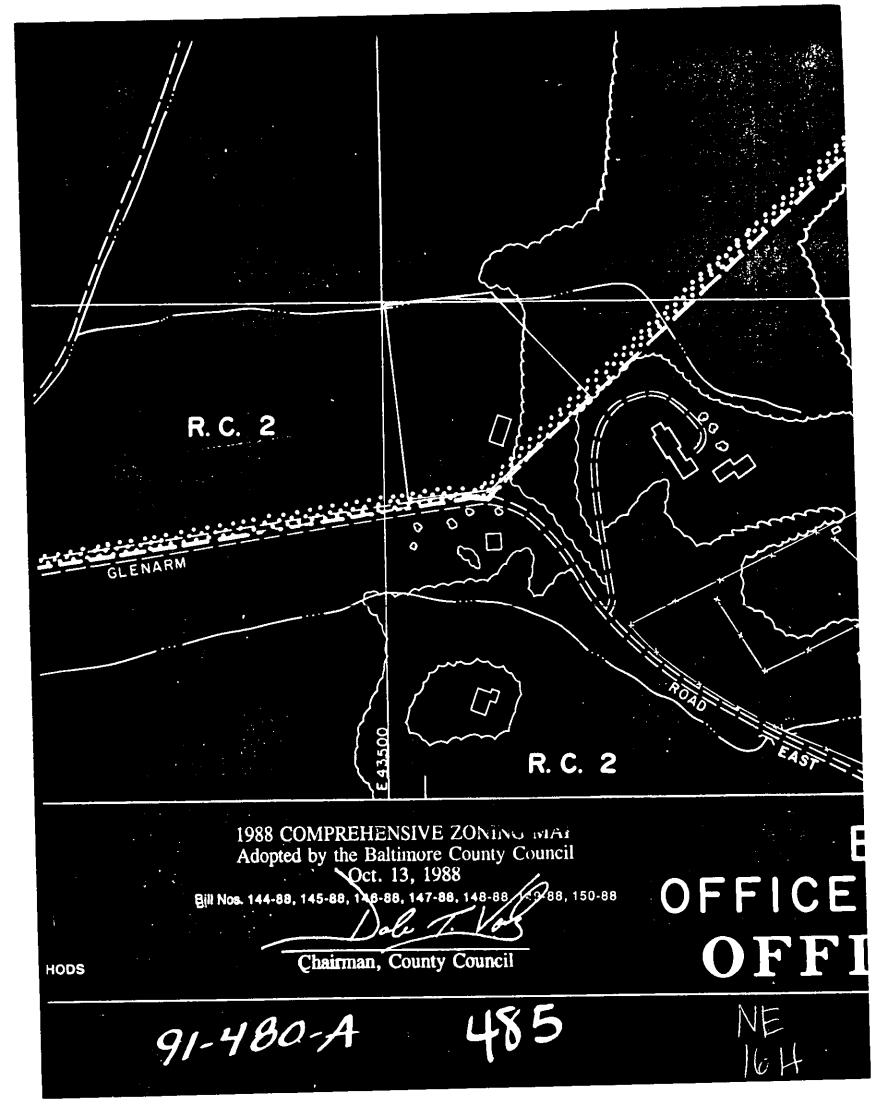
Zoning Commissioner

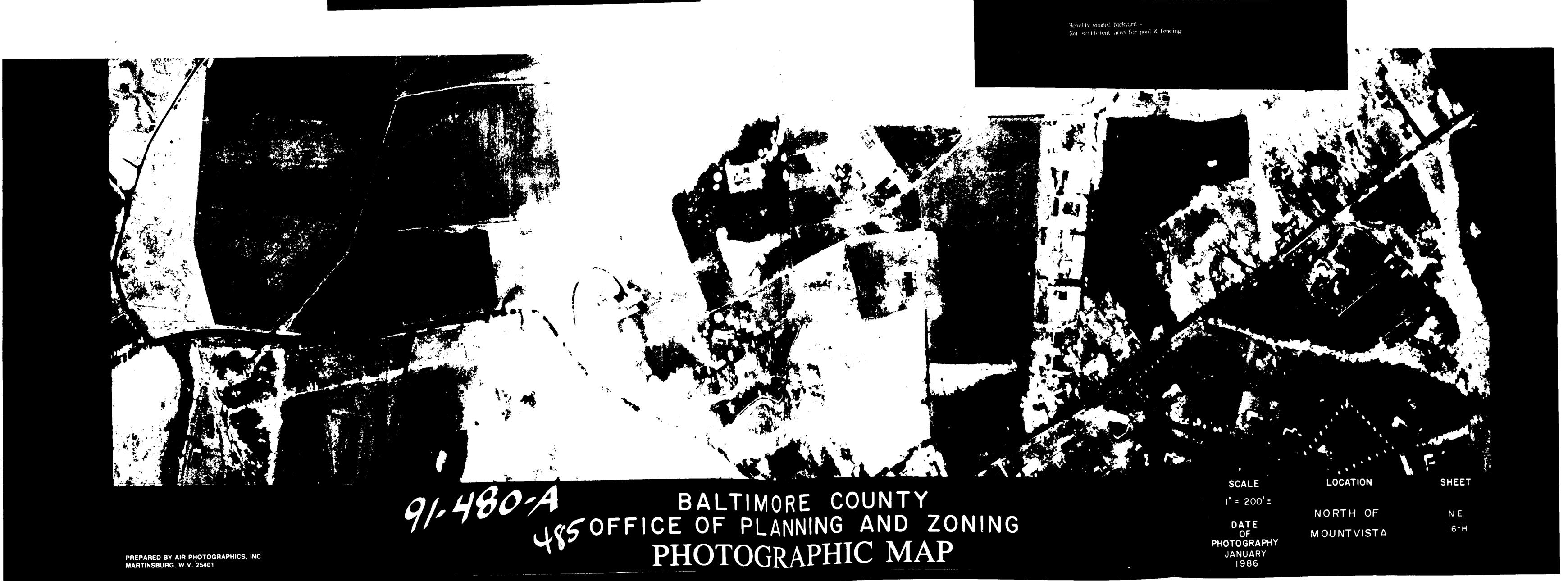
SUBJECT: Steven D. Phipps, Item No. 485

In reference to the Petitioner's request, staff offers no comments.

Office of Planning at 887-3211.

ITEM485/ZAC1





91-480-A

CASE NUMBER____

PETITIONER'S EXHIBIT# 2